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PART IV

Section I-C

NOTIFICATIONS, RULES, ORDERS, Etc., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION

No. L.D. 2569—Legis. 4-50-73, Bangalore, dated 6th December 1950.

Ordered that the following Notification Nos. S. R. O. 724 and 725, dated the 30th September 1950 of the Ministry of Communications amending the Indian Telegraph Rules 1932, published in the *Gazette of India*, Part II, Section 3, dated the 7th October 1950, be-republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHS

New Delhi, the 30th September 1950

S.R.O. 724.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to

direct that the following further amendments shall be made in the Indian Telegraph Rules, 1932, namely :—

1. In rule 18—

(i) under the heading "(c) Stops and other signs" for the words and signs "Bar of division (/) or underline (—)" the words and signs "or Bars of division (/)" shall be substituted;

(ii) under the heading "(d) Special Instructions and Conventional Signs", the following entries shall be omitted, namely :—

"RAJ .. Telegrams sent by Indian State Officials on the business of the State (Rule 53)."

2. For rule 69 the following rule shall be substituted, namely :—

"69. MIXED TELEGRAM.—If an inland telegram contains both plain language words and secret language words, the plain language words shall be counted at the rate of 15 letters to a word and secret language words at the rate of 5 characters to a word."

3. Rule 84-A shall be omitted.

4. In rule 133—

(i) in the first sentence for the words "Code or Cypher" and "Cypher" the words "secret language" shall be substituted;

(ii) in the second sentence for the words "code or cypher" the words "secret language" shall be substituted.

5. In rule 217—

for the words "in code or in figure or letter cypher" the words "secret language" shall be substituted.

6. After rule 237-A, the following rule shall be inserted, namely :—

"237-A.—In a telegram the text of which contains words in plain language as well as words in secret language, the plain language words shall be counted at the rate of 15 letters to a word and secret language words at the rate of 5 characters to a word."

7. In rule 276—

the words "a fee of not more than Re. 0/11/6 shall be collected and retained by the telegraph office concerned." shall be omitted.

8. In rule 296—

the word, letter and signs "or—D—" shall be omitted.

[No. T-62/50.]

CORRIGENDUM

New Delhi, the 30th September 1950

S.R.O. 725.—Corrigendum to the Ministry of Communications (Posts and Telegraphs) notification, S.R.O. 186, dated the 27th June 1950, as published

in the *Gazette of India, Extraordinary*, dated the 27th June 1950, No. 18, Part II—Section 3 :—

On page 115, in item 13,—
for " 30 "
read " 50 ".

On page 116, in item 20 (a),—
after " Ordinary telegrams shall "
insert " not ".

On page 119, in item 43, in the penultimate line of rule 219-A,—
for " htey ".
read " they ".

On page 121, in item 47, in line 7 of rule 236,—
for " or "
read " of ".

On page 121, in item 49, at the end of clause (b)—
for " 238 "
read " 236 ".

On page 125, in item 66, in rule 306 (2), in line 2,—
for " TF "
read " LTF "

On page 125, in item 66, in rule 307,—
in line 1, *for* " LR " *read* " LT ",
in line 2, *delete* " on " and
in line 3, *after the words* " second day " *insert* " *i.e.*, the day ".

On page 126, in item 75,—
for " =D= ".
read " =urgent= ".

[No. T-62/50.]

A. V. PAI, Secy.

NOTIFICATION

No. L.D. 2570—Legis. 6-50-56, Bangalore, dated 6th December 1950.

Ordered that the following Notification No. S.R.O. 703, dated the 4th October 1950 of the Ministry of Food, under Section 4 of the Essential Supplies (Temporary Powers) Act 1946, published in the

Gazette of India, Part II, Section 3, dated the 5th October 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,
B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF FOOD

NOTIFICATION

New Delhi, the 4th October 1950

S.R.O. 703.—In exercise of the powers conferred by section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the power to make orders conferred on it by in sub-section (2) thereof shall, in relation to foodstuffs, including sugar, gur and pulses but excluding gram, edible oils, edible oil seeds and ghee, be exercisable also by the Governments of all Part B States except the Patiala and East Punjab States Union, subject to the conditions, that—

(a) before making any order relating to any matter specified in clauses (a), (b), (c), (d), (f) and (g) of the said sub-section (2) the State Governments shall obtain the concurrence of the Central Government;

(b) no order made in the exercise of the aforesaid powers shall have effect so as to prohibit or restrict the export, from any place in the State to any place outside India, of any articles or things.

[No. CG-603 (38)-XV.]

K. R. DAMLE, Joint Secy.

NOTIFICATION

No. L.D. 2571—Legis. 4-50-72, Bangalore, dated 6th December 1950.

Ordered that the following Notification No. S.R.O. 723, dated the 29th September 1950 of the Ministry of Communications, published in the *Gazette of India*, Part II, Section 3, dated the 7th

October 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF COMMUNICATIONS

New Delhi, the 29th September 1950

S.R.O. 723.—In exercise of the powers conferred by rule 160 of the Indian Aircraft Rules, 1937, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the Ministry of Communications No. 10-A/31-50, dated the 18th July 1950 namely:—

In clause (1) for the words "for the personal use of the Ruler" the words "by the Ruler for his personal use" shall be substituted.

[No. 10-A/31-50.]
P. K. ROY, Dy. Secy.

NOTIFICATION

No. L.D. 2572—Legis. 4-50-83, Bangalore, dated 6th December 1950.

Ordered that the following Notification No. S.R.O. 902, dated the 27th October 1950 of the Ministry of Rehabilitation—Displaced Persons (Verification of Claims) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 11th November 1950, be republished in the *Mysore Gazette*, for general information.

By Order of
His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF REHABILITATION

New Delhi, the 27th October 1950

S.R.O. 902.—In exercise of the powers conferred by Section 16 of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to make the following rules, namely:—

CHAPTER I

PRELIMINARY

1. *Short title.*—These rules may be called the Displaced Persons (Verification of Claims) Rules, 1950.

2. *Definitions.*—In these rules—

(i) "the Act" means the Displaced Persons (Claims) Act, 1950 (XLIV of 1950);

(ii) "claimant" means a person whose claim has been registered under sub-section (2) of section 5 of the Act;

(iii) "form" means a form specified in the Schedule;

(iv) "legal practitioner" means an advocate, vakil or Attorney of any High Court, a pleader or a revenue agent and includes any person who has at any time practised before any Court;

(v) "legal representative" means a person who in law represents the estate of a deceased claimant or on whom such estate devolves on the death of the claimant;

(vi) "proceeding" means the hearing of a claim under the Act for the purpose of its verification and includes all steps taken under the Act or these rules in pursuance of such a claim;

(vii) "Revising authority" means the Chief Claims Commissioner and includes any officer to whom the functions of the Chief Claims Commissioner under sub-section (3) of section 6 of the Act are delegated;

(viii) "Schedule" means the Schedule annexed to these rules.

3. *Additional powers of Claims Officers.*—The Chief Claims Commissioner, the Joint or Deputy Chief Claims Commissioner and every Claims Commissioner and Claims Officer, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely:

(a) to order the substitution and continuation of a proceeding by the legal representatives of a claimant in the event of his death;

(b) to order, with the consent of the claimants concerned, consolidation of proceedings in two or more cases, where the evidence on behalf of the claimants may be similar and common questions of law and facts are involved;

(c) to correct any clerical or arithmetical mistake or error in any order or proceeding arising therein from an accidental slip or omission;

(d) to review an order on any of the following grounds, namely :—

(i) the discovery of new or important matter or evidence which after the exercise of due diligence was not within the knowledge of or could not be produced by, the claimant at the time when the claim was verified ; or

(ii) on account of some mistake or error apparent on the face of the record ; or

(iii) for any other sufficient reason ;

(e) to order deposit of postal and other charges for the summoning of witnesses within a time to be specified.

CHAPTER II

Procedure for Verification

4. *Notice to claimants.*—At least fifteen days before the date of hearing of a claim, the Claims Officer shall cause to be sent to the claimant a notice in Form A informing him about the date of hearing.

5. *Appearance before Claims Officer.*—Subject to the provisions of rule 19 a claimant may appear before a Claims Officer either in person or through an agent duly authorised by him in writing to appear on his behalf :

Provided that where the claimant is a minor or other person under a disability, he may appear through a guardian or a next friend.

6. Where a claimant after a notice under rule 4 has been duly served upon him, fails to appear either in person or through a duly authorised agent on the date of hearing, the Claims Officer shall determine the claim *ex parte* :

Provided that the Claims Officer may on application made to him within sixty days of the *ex parte* order re-open the case if he is satisfied that there was sufficient cause for non-appearance of the claimant on the appointed date.

7. *Witnesses and assessors.*— (1) A party to any proceeding, who wants any witnesses to be summoned shall file a list of witnesses with their complete addresses and shall also deposit a sum of money sufficient to cover the diet money and travelling expenses of the witnesses. A list in duplicate of documents which any witness is called upon to produce shall also be filed.

(2) Summons to witnesses shall issue in form 'B' and summons to assessors in form 'C' of the Schedule and all the provisions of order XVI of the Code of Civil Procedure, 1908, shall, so far as may be, apply to such summons.

(3) Witnesses and assessors who attend any proceeding shall be paid diet money and travelling allowances—

(a) in the case of witnesses in accordance with the scale prescribed in this behalf for civil suits in the locality where the proceeding is being conducted ;

(b) in the case of assessors, in accordance with the scale prescribed for assessors in a Sessions case by the High Court of the State where the proceeding is held.

8. *Persons abroad or in Armed Forces, etc.*—(1) A claimant serving in the Armed Forces or residing outside India may in lieu of appearing in a proceeding either personally or through an authorised agent make a statement on oath—

(a) in the case of a claimant serving in the Armed Forces, before the Commanding Officer of his Regiment ;

(b) in the case of a person residing in a country outside India, before the representative of the Government of India in that country or an officer nominated by such representative for the purpose.

(2) The Commanding Officer or the representative of India, or such nominated officer as the case may be, shall forward to the officer conducting the proceedings, the statements so recorded together with documents that may be produced by the claimants and the depositions of the claimants and the documents produced by them shall form a part of the record of the case, notwithstanding anything contained in rule 6.

9. A Claims Officer shall hold every proceeding under the Act in an open place to which the public may generally have access so far as the same can conveniently contain them :

Provided that the Claims Officer may if he thinks fit, order at any stage of a proceeding of any particular case, that the public generally or any particular person shall not have access to, or be, or remain in the room or building used by the Claims Officer.

CHAPTER III

Revision

10. *Definition.*—In this chapter, the expression "appropriate revising authority" means the revising authority having jurisdiction in the area where the claim or a part of a claim is verified.

11. *Petition for revision.*—(1) A claimant may within one month of the date of any order made by a Claims Officer make a petition for revision of that order to the appropriate revising authority.

(2) Every such petition for revision shall be accompanied by a copy of the order of the Claims Officer against which it has been filed and shall set forth concisely and under distinct heads the grounds of objection to such order without any argument or narrative.

(3) Every such petition shall be accompanied by a treasury receipt or a crossed Indian Postal Order payable to the Joint Chief Claims Commissioner for a sum of Rupee one ; provided that where the petitioner resides outside India, the petition may be accompanied by a receipt of the amount of fee issued by an officer authorised in this behalf by the representative of India in the country where the petitioner resides.

12. *Presentation.*—A petition for revision shall be presented either in person or through an agent duly authorised in writing or sent by registered post to the appropriate revising authority.

13. *Registration of Revision petition.*—Every revision petition made under rule 12 and every case in which a revising authority *suo motu* exercises the power of revision conferred by the proviso to sub-section (3) of section 6 of the Act, shall be registered in a register to be maintained for the purpose in Form D of the Schedule.

14. *Hearing of Revision Petition.*—(1) A revising authority after sending for the record of the case and after giving the petitioner an opportunity of being heard, may pass such order on the revision petition as it thinks fit.

(2) Where a Claims Officer has disposed of a claim on a preliminary point and the revising authority disagrees with the Claims Officer, the revising authority shall remand the case to the Claims Officer with the direction that the claim

be decided on its merits. Provided that where the Claims Officer who originally decided the case is not available, the revising authority may send the case to such other Claims Officer as it may deem fit.

(3) Where the order of the revising authority affects more than one claimants, the revising authority may vary the order of a Claims Officer in the case of all such claimants :

Provided that no order shall be varied to the prejudice of any claimant unless he is given an opportunity of being heard.

15. *Return of records.*—After a case has been decided, the revising authority shall return the record of the case to the Central Claims Office.

16. Subject to the provisions of this Chapter the provision of Chapter II shall, so far as may be, apply in relation to the hearing of revision petition as they apply in relation to the hearing of claims.

CHAPTER IV

MISCELLANEOUS

17. *Service of notice or Order.*—(1) Every notice or order under these rules shall be served upon the claimant by registered post acknowledgment due at the last address supplied by the claimant.

(2) A notice or order shall be deemed to be duly served if the acknowledgment of the registered letter has been received or if the claimant has refused to accept such letter.

18. *Certain provisions of the Limitation Act to apply.*—The provisions of sections 5 and 12 of the Indian Limitation Act, 1908, shall so far as may be, apply to every proceeding in respect of which any period of limitation is prescribed under these rules.

19. No legal practitioner shall appear in any proceeding except with the premission of, and for the reasons to be recorded in writing by the officer conducting the proceeding.

20. All statements made in any proceeding shall be on oath.

21. *Return of original documents.*—A Claims Officer may on application made by a claimant return any original document filed by the claimant if the claimant supplies at his own expense a true copy of such document made by any officer under the direction of the Claims Officer.

22. (I) A fee of annas 8 shall be levied for supplying to a claimant a copy of the final order made by a Claims Officer.

(II) The fee for copies shall be paid in the form of India Postal Orders, crossed in favour of Joint Chief Claims Commissioner, Delhi and attached with the application for copies.

23. The Joint Chief Claims Commissioner may, from time to time, call for such returns and statements from Claims officers as he may deem fit.

24. In so far as these rules make no provision or make insufficient provision, the provisions of the Code of Civil Procedure, 1908 shall so far as may be, apply to all proceedings under these rules.

By Registered Post/A.D.

Notice to a person who has filed a claim under the Displaced Persons (Claims) Act, 1950 to appear and prosecute the claim.

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SCHEDULE

FORM 'A'

From

_____

(Name)

Claims Officer.

_____

Station

To

_____

(Name and Address of claimant)

_____

_____

Sir,

This is to inform you that your claim Reg. No. _____ Index No. registered at _____ (Place) on _____ (date) in respect of property _____ (Description of property) shall come up for verification and valuation before me at _____ (address) in _____ (town) on _____ (date).

Please arrange to be present in person or through an agent authorised in writing.

You are required to produce or cause to be produced all documents or evidence avilable, on the said date and place.

If you wish to summon a witness, you may within two days of receipt of this notice make an application either in person or by post to my office giving a list of witnesses and lists in duplicate of documents that you require the witnesses to produce. The diet money and travelling expenses of these witnesses should be deposited in my office or remitted by Money Order.

Given under the hand and seal of my office this _____ the day of _____ 195 .

_____

Full Signature of Claims Officer.

Seal

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By Registered Post/A.D.

SUMMONS TO WITNESSES

SCHEDULE

FORM 'B'

From

_____

(Name)

Claims Officer.

To

_____

Name and address of witness.

_____

_____

Sir,

Whereas your attendance is required / you are required only to produce documents ——— by ——— Name of claimant in the matter of verification and valuation of claims, you are hereby required *appear before me and to bring with you / to produce or cause to be produced ——— the documents mentioned in the attached list on ——— (date) forenoon. You are required to appear at ——— (address) in ——— (town).

A sum of Rs. has been provisionally deposited by the claimant towards your subsistence allowance, travelling expenses and other charges. If you fail to comply with the order without lawful excuse, you will be subject to the consequences of non-attendance laid down in Rule 12 of the Order 16 of the Code of Civil Procedure, 1908.

Given under the hand and seal of my office this th day of 195 .

Claims Officer's signature.

Seal

* To be scored off, in case no document has been summoned from the witness.

By Registered Post/A.D. 8 1 S

SUMMONS TO ASSESSOR

SCHEDULE

FORM 'C'

From

Claims Officer.

Station

To

Reference claim—Registration No./Index No.—Date of hearing

Sir,

For the purpose of assessing the correct value of the above claim filed by (Name of claimant) in respect of property situated in (full description of property) you are hereby required to attend before me at (location and adress) on (date) at (time).

If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under the hand and seal of my office this th day of 195 .

Claims Officer's signature.

Seal

SCHEDULE

FORM D

Register of Revisions

Date when Petition received or notice issued	S. No.	Index No.	Name & address of petitioner	Name of Claims Officer who verified the claim	Date when file requisitioned from Central Office	Date when file received from Central Claims Office	Amount claimed by Petitioner					Date of hearing	Amount allowed in revision					Number and date of letter by which case returned to Central Claims Office	Remarks
							A	B	C	D	Total		A	B	C	D	Total		
1	2	3	4	5	6	7	8					9	10					11	12

[No. 2(6)/CCC/G.-50.]

C. G. SURI,

for Jt. Chief Claims Commissioner.

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